



## **Department of Environmental Protection Temporary Noise Waiver Application**

### **Authority**

Chapter 31B, Section 31B.11(a), of the Montgomery County Code allows the Director of the Department of Environmental Protection (DEP) to waive any part of Chapter 31B for a temporary event if the noise the event will create or cause in excess of the limits established under Chapter 31B is offset by the benefits of the event to the public.

### **Application Process**

*Review the Code:* The applicant should review and understand the requirements of Chapter 31B, Noise Control, of the Montgomery County Code. Chapter 31B can be found at <http://www.montgomerycountymd.gov/dectmpl.asp?url=/Content/dep/community/ordinance.asp>. Questions regarding any provision of the code should be directed to DEP via e-mail at [depnoisewaiver@montgomerycountymd.gov](mailto:depnoisewaiver@montgomerycountymd.gov).

*Timing of Application:* In accordance with Section 31B.11(a)(2), DEP is required to provide public notice of any Temporary Noise Waiver request in a manner that could reasonably reach a majority of households that might be affected by the issuance of the waiver. To fulfill this requirement, DEP may publish notices regarding Temporary Noise Waiver requests in a local newspaper. A Temporary Noise Waiver can not be issued until at least 10 days after publication of the notice in the paper. As a result, a Temporary Noise Waiver application that is deemed complete by DEP must be received at least 21 days prior to the date the waiver is needed in order to allow for the public notification process.

*Submission of Application:* Completed applications can be submitted electronically (preferred) or in hard copy. DEP is not responsible for delays in receipt of hard copy applications submitted via the postal service or other delivery method. Applications can be submitted electronically by clicking on the "Submit by e-mail" button at the end of this application. Hard copies should be sent to:

Attn: Temporary Noise Waiver  
Department of Environmental Protection  
255 Rockville Pike, Suite 120  
Rockville, MD 20850

A non-refundable processing fee must be submitted with the application. See Page 3 for details.

*Completing the Application:* The applicant must complete all fields in the application. Incomplete applications will be returned, which may delay processing of the application. Particular attention should be given to providing complete and thorough responses to the items related to the justification for requesting a Temporary Noise Waiver. Additional information (site plans, equipment specifications, mitigation plans, etc.) may be attached to the e-mail that transmits the application.



## Department of Environmental Protection Temporary Noise Waiver Application

### Applicant Information

Applicant Name: CP 7272 Wisconsin Avenue LLC

Address: 7272 Wisconsin Avenue

City: Bethesda

Zip Code: 20814

Primary Contact Name: Tom Argires

Phone Number: 202-355-1884

E-mail Address: targires@carrprop.com

### Noise Source Information

Location of noise source or activity for which the waiver is requested:

The 7272 Wisconsin Avenue project site is at the south-west corner of Wisconsin and Elm Street.

Description of noise source or activity that will create the noise:

Per Maryland State Highway Authority and in order to minimize traffic and pedestrian impacts site utility installation in Wisconsin Avenue must be conducted off hours. This work includes pavement removal, excavation, pipe installation, backfill and paving along the north and southbound sides of Wisconsin Avenue. The primary equipment utilized for this work will be small to medium sized excavators to excavate and install piping and dump trucks to remove spoils or import fill for the utility trenches. Pneumatic tools with an air compressor will be selectively used during demolition. There will also be pavement saw cutting, pavement demolition (with limited jack hammering) gas-powered chop saw cutting, compaction of fill material and placement of some steel plates. The use of recessed steel plates is not currently contemplated as this detail is typically done in the winter.

The outdoor ambient noise is typically 55 to 65dBA for typical traffic with as low as 55dBA at night and 65dBA from groups of cars, trucks and sirens are 70 to 75dBA. Indicative noise created by the small-to-medium sized excavator is 65/75 dBA at 50'. On a recent project, the site utility sub-contractor reported that the tamping machine was no louder than any other construction activity (approximately 85 decibels at the construction activity). Trucks will be situated on both Wisconsin Avenue at various times during the utility installation operations. Noises from these operations should have no significant impact on the neighborhood.

Date(s) and time(s) for which the waiver is requested:

*(for example: 9:00 pm, May 1, 2010 to 7:00 am, May 2, 2010)*

April 15, 2019

July 15, 2019

9 pm – 7 am (weekdays) 9 pm – 9 am (weekends)

9 pm – 7 am (weekdays) 9 pm – 9 am (weekends)

## Justification for Requesting a Temporary Waiver

Why is a Temporary Noise Waiver being requested?

This plan will benefit the public by minimizing disruption to the neighboring properties, traffic disruptions as well as safeguard pedestrian traffic during normal working hours. This will also limit the number of trucks on Wisconsin Ave and along Elm St. avoiding interference with the concurrent Purple Line Bethesda South Station Entrance project currently underway. The Maryland SHA, a public entity, is also requiring this work be performed at night.

How will the public benefit if a Temporary Noise Waiver is issued?

To minimize disruption of traffic along Wisconsin Ave, a major thoroughfare in Bethesda, by reducing the amount of trucking and lane closures during the day and rush hour. Additionally, as Purple Line BSSE Construction continues work, including blasting, trucking, excavation and concrete operations, performing 7272 concrete utility work off hours will reduce truck traffic and avoid potential conflicts between the projects. Further, by reducing the number of trucks on the streets during busy travel times, this will safeguard pedestrians in the area. The Maryland SHA also is requiring this work be performed at night.

If a Temporary Noise Waiver is issued, DEP may set conditions on the applicant. Describe the steps that have been taken or will be taken to reduce the level or duration of the noise for which the waiver is requested:

Over the last several months, demolition, caisson installation and excavation activities as well as expedited concrete installation were completed during night hours. During that time, noise mitigation strategies effectively minimized the noise of this work and avoided disruption to neighboring properties.

We intend to utilize many of the same noise mitigation strategies successfully employed during the demolition, caisson and excavation phases during this next phase of work. Those strategies are outlined in the Noise Suppression Plan, submitted separately.

Submit by E-mail

Print Form

## Application Fees

A non-refundable processing fee based on the fee schedule below must accompany this application. (If the application is submitted electronically, a check must be received by mail or other delivery service prior to publication of the required public notice.) Checks should be made payable to Montgomery County, Maryland.

<b>Activity</b>	<b>First Noise Source/Site</b>	<b>Each Additional Source/Site</b>
Residential, single-family	\$50	n/a
Residential, all others	\$230	+ \$25 per source/site
Construction (all types private)	\$350	+ \$25 per source/site
Commercial	\$350	+ \$25 per source/site
Industrial	\$350	+ \$25 per source/site
Transportation	\$350	+ \$25 per source/site
Government	\$350	+ \$25 per source/site

*Questions?* Contact DEP at [depnoisewaiver@montgomerycountymd.gov](mailto:depnoisewaiver@montgomerycountymd.gov) or 240-777-7746.